

1933 (Special Sess.), ch. 78, sec. 319A. 1937, ch. 305.

389. If any person shall break into any shop, storehouse, tobacco house, warehouse, or other building, although the same be not contiguous to or used with any mansion house, with intent to steal any money, goods or chattels under the value of twenty-five dollars, or if any person shall break into any shop, storehouse, tobacco house, warehouse, or other building, although the same be not contiguous to or used with any mansion house, and steals from thence any money, goods or chattels under the value of one dollar, shall be deemed guilty of a misdemeanor and shall be tried before the Circuit Court of the County wherein the offense may have been committed or the Criminal Court of Baltimore City, if the offense be committed in the City of Baltimore, and being thereof convicted, shall restore the goods and chattels so stolen, or pay the full value thereof to the owner thereof, and be further sentenced to the Penitentiary or House of Correction, or to the Jail of the County in which the offense may have been committed, or of the City of Baltimore, if the offense be committed in said City, in the discretion of the Circuit Court of the County or of the Criminal Court of Baltimore City, wherever the offense may have been committed, for not more than eighteen months.

Provided that nothing in these sections shall be construed to interfere with any prosecution that has or may hereafter be commenced for any violation of these sections hereby repealed or added happening previous to the date this law becomes effective.

An. Code, 1924, sec. 320. 1912, sec. 287. 1904, sec. 263. 1888, sec. 158. 1793, ch. 35, sec. 1. 1797, ch. 96, sec. 1. 1799, ch. 75, sec. 3. 1809, ch. 138, sec. 6.

390. Robbery or larceny of any obligation or bond, bill obligatory or bill of exchange, bank note or notes, promissory notes for the payment of money, check or order drawn on any bank of this State, or any other State, paper bill of credit, certificate granted by or under the authority of this State, or of the United States, or any of them, or any last will and testament or codicil, shall be punished in the same manner as robbery or larceny of goods and chattels.

The offenses created by this section and sec. 548 were unknown to common law. Certainty is required in criminal pleading. Where there is no valid indictment, traverser may be re-arrested, re-indicted and tried again—see notes to sec. 548. *Kearney v. State*, 48 Md. 23.

A "silver certificate" issued by the United States held not to be a promissory note within meaning of this section. Certainty is required in criminal pleading. *Stewart v. State*, 62 Md. 413. And see *Smith v. State*, 67 Md. 169.

An indictment under this section need not charge that the bank note is the note of a particular bank. *Foster v. State*, 71 Md. 554.

Indictment for larceny of bank notes charging the offense in the language of this section, is sufficient. Conclusion of indictment where an offense is created by one statute and punishment prescribed by another. Bank notes are considered as money, and the sum which they promise upon their face to pay determines their value as respects the graduating of the offense of larceny. *State v. Cassell*, 2 H. & G. 303.

Cited but not construed in *Stansbury v. Luttrell*, 152 Md. 565. (See notes to secs. 387 and 614.)

See notes to sec. 387.

Larceny—Buoys.

An. Code, 1924, sec. 321. 1912, sec. 288. 1904, sec. 264. 1888, sec. 159. 1817, ch. 86.

391. Every person, his aiders and abettors, who shall be convicted before any court exercising criminal jurisdiction at the place where the offender may be arrested or may reside of the crime of stealing, cutting away or in any manner wilfully injuring any of the buoys, their mooring